IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

WP(C).No. 18505 of 2006(C)

PETITIONER:

SAJU. S. SASIDHARAN, AGED 22 YEARS,
S/O SHRI.S. SASIDHARAN, RESIDING AT
SASI VILASOM, VENKULAM, EDAVA P.O.,
VARKALA, TRIVANDRUM DISTRICT.

BY ADV. SRI.R.PUSHPANGATHAN PILLAI

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY, BOARD OF PUBLIC EXAMINATIONS,
   KERALA.

2. **THE JOINT COMMISSIONER FOR GOVERNMENT**
   EXAMINATIONS, TRIVANDRUM.

3. **THE REGIONAL HEAD,**
   NATIONAL INSTITUTE OF OPEN SCHOOLING
   10-1-H, DIOMOND HARBOUR ROAD,
   CALCUTTA.

4. **THE DIRECTOR, NATIONAL INSTITUTE OF**
   OPEN SCHOOLING A-38, KAILASH COLONY,
   NEW DELHI.

BY ADV. SRI.JOHN VARGHESE(ASST.SG)
SRI.T.K.VENUGOPALAN
SRI. AJITH KRISHNAN, ADDL.CGSC
BY GOVT.PLEADER SMT. N. SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.18505/2006 C

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE RELEVANT PAGE OF PETITIONER'S PASSPORT IS VALID FROM 21/06/2001 TO 20/06/2011.**

EXT.P2: **COPY OF FAILED CERTIFICATE ISSUED BY THE GNERAL EDUCATION DEPARTMENT TO THE PETITIONER (S.S.L.C.) DTD. MARCH, 2001.**

EXT.P3: **COPY OF THE PROVISIONAL CERTIFICATE DTD. 28/07/2004 ISSUED BY THE 4TH RESPONDENT.**

EXT.P4: **COPY OF THE MARKS STATEMENT DTD. 28/07/2004.**

EXT.P5: **COPY OF THE MIGRATION CERTIFICATE DTD. 28/07/2004.**

EXT.P6: **COPY OF THE CERTIFICATE OF BIRTH DTD. 19/12/1984 ISSUED BY THE DEPARTMENT OF VARKALA MUNICIPALITY.**

EXT.P7: **COPY OF THE AFFIDAVIT DTD. 26/07/2005, SWORN BY THE MOTHER OF THE PETITIONER.**

EXT.P8: **COPY OF THE SANCTION ORDER DTD. 28/06/2005 OF THE JOINT COMMISSIONER OF GOVT.EXAMINATIONS.**

EXT.P9 SERIES: **COPIES OF THE APPLICATION AND THE AUTHORISATION LETTER DTD. NIL, ADDRESSED TO 3RD RESPONDENT.**

EXT.P10: **COPY OF THE REPRESENTATION DTD.NIL BEFORE 4TH RESPONDENT DTD. NIL.**

EXT.P11: **COPY OF THE REPRESENTATION DTD. NILBEFORE THE 4TH RESPONDENT DTD.NIL.**

/TRUE COPY/

Kss

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.18505 of 2006

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Dated this the 17th day of January, 2007.

JUDGMENT

Heard counsel for petitioner and Standing Counsel for respondents 3 and 4. The prayer is only for direction to respondents 3 and 4 to correct Exts.P3, P4 and P5 which are school certificates containing petitioner's date of birth. The petitioner has produced copy of the Birth Certificate and Passport which show that the actual date of birth of the petitioner is 18.11.1984 as against which date of birth shown as 18.5.1986 in Exts.P3 to P5. Obviously the school records call for correction because the Birth Certificate is authentic in regard to date of birth of a person, more so when it is incorporated in the Passport. Standing Counsel submitted that petitioner has not made a proper application and originals or true copies of the Birth Certificate or Passport are not surrendered before respondents 3 and 4. It is seen that second respondent has also authorised correction vide Ext.P8 proceedings. In the circumstances, W.P. is allowed directing respondents 3 and 4 to correct date of birth of the petitioner in Exts.P3 to P5 as 18.11.1984 based on attested true copies of Birth Certificate and Passport to be furnished by the petitioner along with a proper application before

respondents 3 and 4 with copy of this judgment and Ext.P8 proceedings. Correction should be carried out and corrected copy should be sent to the petitioner within two weeks from the date of receipt of the above documents. Attestation of the original should b done by a Gazetted Officer in Government.

C.N.RAMACHANDRAN NAIR
Judge

pms